

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

**DECLARATION OF STEPHEN HENCH**  
**IN SUPPORT OF UNITED STATES' OBJECTIONS TO PUBLIC USE OF**  
**CONFIDENTIAL INFORMATION IN FAA DOCUMENTS**  
**AND CORRESPONDING MOTION TO SEAL**

Stephen Hench, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this

Declaration based on my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

2. I am a Senior Trial Attorney at the National Highway Traffic Safety

Administration (“NHTSA”), an operating administration of the U.S. Department of Transportation, and submit this Declaration in support of the United States’ Objections to Public Use of Confidential Information in FAA Documents and Corresponding Motion to Seal.

3. Defendant's Exhibit DTX 1368 includes, among other things, an award/contract

for Contract # 693JJ919D000003 and Contract # 693JJ922D000020, which contain provisional indirect cost rates at NHTSA-ADS-0000344729 and NHTSA-ADS-0000344763, respectively.

Disclosure of this information may negatively impact future procurement processes for similar services. Knowledge that such rates are subject to disclosure would have a discouraging effect on potential contractors considering whether to submit proposals in response to solicitations, out

of concern that their rates may later be disclosed. This would harm NHTSA by resulting in a less robust and competitive procurement process.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 25, 2024.

Signed: Stephen Hench

Stephen Hench

County and State: Kane County, IL